

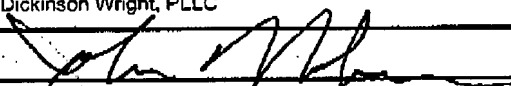
PTO/SB/21 (09-04)

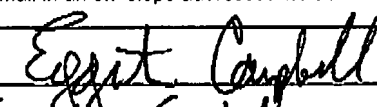
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	08/617,265	RECEIVED CENTRAL FAX CENTER SEP 10 2007
	Filing Date	March 18, 1996	
	First Named Inventor	HOLLANDER et al.	
	Art Unit	2855	
	Examiner Name	GUTIERREZ, DIEGO F	
Total Number of Pages in This Submission	4	Attorney Docket Number	80273.00711

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Credit Card Authorization Form for \$3940.00
Remarks _____		
RECEIVED SEP 14 2007 OFFICE OF PETITIONS		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Dickinson Wright, PLLC	
Signature		
Printed name	John M. Naber	
Date	Reg. No.	46,487

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Egerton Campbell	Date	Sept 10, 2007

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (01-06)

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	08/617,265
Filing Date	March 18, 1996
First Named Inventor	HOLLANDER et al.
Examiner Name	GUTIERREZ, DIEGO F
Art Unit	2855
Attorney Docket No.	80273.00711

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SEP 10 2007

METHOD OF PAYMENT (check all that apply)

RECEIVED

SEP 14 2007

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☐ Deposit Account Deposit Account Number: Deposit Account Name:

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☐ Credit any overpayments

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OFFICE OF PETITIONS

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
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Each independent claim over 3 (including Reissues)

50	25
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Multiple dependent claims

200	100
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360	180
-----	-----

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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Multiple Dependent Claims

- 20 or HP =	x	=
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Fee (\$)	Fee Paid (\$)
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HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP =	x	=
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HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 =	/ 50 =	(round up to a whole number) x	=
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4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): 7 1/2 year maintenance fee & surcharge

3940.00

SUBMITTED BY

Signature

Registration No.
(Attorney/Agent) 46,487

Telephone 202 659 6950

Name (Print/Type) JOHN NABER

Date 10 Sept 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/45 (12-04)

Approved for use through 04/30/2009. OMB 0851-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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MAINTENANCE FEE TRANSMITTAL FORM

Address to:
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P.O. Box 371611
Pittsburgh, PA 15250-1611

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611" on _____

Signature _____

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SEP 10 2007

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☐ A check for the amount of \$ _____ for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
2. ☐ The Director is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to Deposit Account No. _____. A duplicative copy of this form is enclosed.
3. ☒ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 04-1061. A duplicative copy of this form is enclosed.
4. ☒ Payment by credit card. Form PTO-2038 is attached.

* Information required by 37 CFR 1.366(c) (columns 1 & 4). Information requested under 37 CFR 1.366(d) (columns 2, 3, & 5)

Item	Patent Number*	Maintenance Fee Amount (37 CFR 1.20 (e)-(g))	Surcharge Amount (37 CFR 1.20(h))	U.S. Application Number* [e.g., 08/555,555]	Payment Year		
					Column 5		
	Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs
1	5727880	2300.00	1640.00	08/617,265		✓	
2							
3							
4		2300.00 OP					
5		1640.00 OP					
Subtotals: Columns 2 & 3		3940.00					
Total Payment		3940.00					

☐ _____ additional sheets attached for listing additional patents.

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Respectfully submitted, _____

Customer's Signature: _____

Customer's Name: JOHN NABER

Telephone: 202 659 6950

Registration Number, if applicable: 48,487

Fax: 202 659 1550

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Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA, 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611.

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SEP 10 2007

2007 SEP 11 PM 3:42

Docket No.: 80273.00711

Customer No.: 35161

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent Application No. : 08/617,265 Confirmation: 4616
Applicants : HOLLANDER et al.
Filed : March 18, 1996
TC/A.U. : 2855
Examiner : GUTIERREZ, DIEGO F
Docket No. : 80273.00711
Customer No. : 35161

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SEP 14 2007

OFFICE OF PETITIONS

For : METHOD AND APPARATUS FOR
MEASURING TEMPERATURE USING INFRARED TECHNIQUES

**PETITION FOR ACCEPTANCE OF DELAYED PAYMENT OF THE 7 ½ YEAR
MAINTENANCE FEE IN EXPIRED PATENT TO REINSTATE PATENT
UNDER 37 CFR §1.378**

MAIL STOP: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to Rule 37 CFR §1.378, Applicants hereby petition for acceptance of delayed payment of maintenance fee in expired Patent No. 5,727,880 to reinstate patent.

Applicants submit the required maintenance fee as set forth in §1.20 (f) (\$2300.00 -- LARGE ENTITY), and the surcharge set forth in §1.20 (i)(2) (\$1640.00 -- LARGE ENTITY). Applicant's delay in payment of the maintenance fee was unintentional. Accordingly, reinstatement of the above expired patent is respectfully requested.


In view of the foregoing, Applicant respectfully requests that the U.S. Patent and Trademark Office grant this petition, accept the delayed payment of the seven and one half (7 ½) year maintenance fee and reinstate the above expired patent.

Application Serial No. 08/617,265

Atty Dkt No.: 80273.000711
Customer No.: 35161

If additional fees are incurred because of this Petition under 37 CFR §1.378 and not included, the Commissioner is authorized to charge said additional fees, as well as credit any overpayments, to Deposit Account No. 04-1061 of Dickinson Wright, PLLC.

Respectfully submitted,


John M. Naber
Registration No. 46,487

DICKINSON WRIGHT PLLC
1901 L St., N.W.
Suite 800
Washington, D.C. 20036
Telephone: 202/659-6950
Facsimile: 202/659-1559

DATE: 10 Sept. 2007

DC 80273-711 115202

INITIAL SCREENING OF INCOMING PAPERS CHECKLIST

Reviewer: CB Date: 9-10-07

APPLICATION NO. 5727880 08/617265

1. PETITION TYPE	CODE	PETITION TYPE	CODE
<u> </u> R137(a) Petition-----	<u> </u> 501	<u> </u> R28c Petition (small to large)---	<u> </u> 321
<u> </u> R137(a) Petition -----	<u> </u> 509	<u> </u> R28c Petition (large to small)---	<u> </u> 320
<u> </u> (Issue Fee/Dwgs)		<u> </u> R47 Petition-----	<u> </u> 313
<u> </u> R137(b) Petition-----	<u> </u> 502	<u> </u> R53 Petition(Lost App., postcard	
<u> </u> R137(b) Petition (IFEE/DWG)-----	<u> </u> 510	<u> </u> rec., inc. by ref., conversions,	
<u> </u> R53(e) Filing Date-----	<u> </u> 412	<u> </u> misnum/mislabel. dwgs-----	<u> </u> 408
<u> </u> R137(f) Petition-----	<u> </u> 536	<u> </u> R10(d) Exp. Mail FD (USPS)-----	<u> </u> 411
<u> </u> R183 Pet. (waive R67 sup. dec.)- 516		<u> </u> R10(c/e) Exp. Mail FD-----	<u> </u> 416
<u> </u> R182 Petition-(inv. name chg., order		<u> </u> R53 Pet. conv. to/from prov.---	<u> </u> 527
<u> </u> of inv., atty/assig. name chg., dup.		<u> </u> R78(a)(3)/(6)Petition-----	<u> </u> 535
<u> </u> let.pat.)-----	<u> </u> 519	<u> </u> R55(c) Petition-----	<u> </u> 535
<u> </u> R182 Petition - (omit.items		<u> </u> R55(a) Petition-----	<u> </u> 507
<u> </u> w/postcard)-----	<u> </u> 520	<u> </u> R183 Petition	
<u> </u> R183(susp./waive ex. rule, R59)---503		<u> </u> (corr.data 85b/pat)-----	<u> </u> 538
<u> </u> R378(b/e) Petition-----	<u> </u> 532	<u> </u> R314 Petition-----	<u> </u> 508
<u> </u> R378(c) Petition-----	<u> </u> 533	<u> </u> Pet. W/D Abn-----	<u> </u> 525
<u> </u> R377 Petition-----	<u> </u> 521	<u> </u> R705(b) PTA-Bef iss-----	<u> </u> 550
<u> </u> R3.81(b) Petition-----	<u> </u> 523	<u> </u> R705(d) PTA-Aft iss-----	<u> </u> 551
<u> </u> R181 Petition (rev. non-exam)---- 515		<u> </u> R705(c) Reinstate red. term.---552	
<u> </u> R181 Petition (rev.exam)-----	<u> </u> 504	<u> </u> R701 PTE-----	<u> </u> 553
		<u> </u> Other-----	

2. LIST PAPERS FILED WITH PETITIONS

<u> </u> PreAmdt/Amdt	<u> </u> CPA	<u> </u> Associate POA
<u> </u> Filing Fees	<u> </u> RCE	<u> </u> Terminal Disclaimer
<u> </u> Reply/Arguments	<u> </u> IDS	<u> </u> Change of Address
<u> </u> Election	<u> </u> 129(a) Submsn	<u> </u> Revocation/POA
<u> </u> Notice of Appeal	<u> </u> Issue Fee	<u> </u> Priority Documents
<u> </u> Brief (3)	<u> </u> Drawings	<u> </u> Request C of C
<u> </u> Reply Brief	<u> </u> Oath/Decl & POA	<u> </u> Rule 312 Amdt
<u> </u> Declaration R132	<u> </u> Ext Time ()	<u> </u> Statement 3.73b

Other Papers _____

3. Is paper a petition to withdraw holding of abandonment: yes no
If so, send paper and/or file to appropriate location (Note: remove any flag set first):

- a. Nonreceipt of action from TC or assertion that reply was timely filed:
Send paper to TC _____
- b. Nonreceipt of Missing Parts Notice or assertion that reply was timely filed:
Send paper to -OIPE - -CP2-5B26- - ATTN: Doshie Day
- c. Assertion of timely payment of issue fee and/or submission of drawings:
Send petition to Office of Publications: ATTN: Tom Hawkins
- d. Other _____

4. Other: _____
If not handled in Office of Petitions, send paper to appropriate location.

5. Is petition accompanied by assignment papers, fee address, or other paper which needs to be sent to another location? yes no If so, make copy of assignment papers, fee address, or other paper; mail original to proper location and place copy in file with an indication that the original paper(s) has been forwarded to the appropriate location (Assignment Branch; Maintenance Fee Division; etc.)